

In the Office Action, the Examiner rejects all of the claims, namely Claims 1-7, as follows:

1) Claims 1-3, 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,923,751 to Ohtsuka in view of U.S. Patent No. 5,151,946 to Martensson.

2) Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtsuka in view of Martensson and further in view of U.S. Patent No. 6,314,183 to Pehrsson.

Turning to the rejection of independent Claim 1 as obvious over Ohtsuka in view of Martensson, the Examiner appears to state that Ohtsuka describes all of the recitations of Claim 1 except for the recited switch for driving the opening/closing of the device. However, the Ohtsuka patent describes a manual latching and release of the receiver and transmitter sections of a twofold mobile phone. When the phone is closed, a button may be pressed whereupon the receiver portion springs slightly away from the transmitter section about the hinge. Once so disengaged, the receiver portion may then be manually rotated by the user to a desired position. Thus, it is clear that Ohtsuka does not describe many of the aspects recited in Claim 1, including "automatically opening and closing the sub-body against the main body", "a detector for detecting an opening angle of the opening/closing device" and "a controller for controlling rotation of the opening/closing device to a predetermined opening angle".

Turning to the Examiner's evaluation of the Martensson patent, the "switch" aspect of Claim 1 is not focused on; instead, the Examiner states that

Martensson describes motorized opening and closing of a sleeve with respect to a main body of a mobile phone via a linear translation. The Examiner then appears to combine this motorized aspect of Martensson with the flip type phone of Ohtsuka to purportedly render Claim 1 obvious.

Without conceding that such a combination of Ohtsuka and Martensson is proper, there are still a number of aspects recited in Claim 1 that are not found in the cited material of Ohtsuka and Martensson. For example, if the motorized aspect of Martensson is combined with the flip type device of Ohtsuka, the resulting device would still not have “a detector for detecting an opening angle of the opening/closing device”, nor would it have “a controller for controlling rotation of the opening/closing device to a predetermined opening angle by analyzing an output of the detector”.<sup>1</sup>

Thus, without conceding that the combination is proper, the combination of Ohtsuka and Martensson fails to teach or suggest at least the above-discussed recitations of independent Claim 1 and thus fails to present a prima facie case of obviousness with respect to independent Claim 1. (See MPEP 2143.03)

Reconsideration and allowance of Claim 1 is respectfully requested.

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<sup>1</sup> It is noted that the Pehrsson patent is only cited with respect to Claims 4 and 5, so the Examiner appears to acknowledge that Pehrsson also does not teach “detecting an opening angle” as recited in Claim 1.

Without conceding the patentability per se of dependent Claims 2-7, it is submitted that they are likewise patentable at least by virtue of their dependency on independent Claim 1. In addition, in view of the above-description of Ohtsuka and Martensson, it becomes clear that a number of the dependent claims are clearly distinguishable in their own right. For example, independent Claims 2 and 3 provide further and particular recitation regarding the "opening/closing device ... for automatically opening and closing the sub-body against the main body". Thus, the recitations of independent Claim 2 include, for example, "a decelerating module", while dependent Claim 3 includes "a driving motor" and "a decelerating device ... for reducing the number of rotations and increasing a driving force of the driving motor". Such recitation cannot be found in Ohtsuka as described in the Office Action, since Ohtsuka describes a device that is manually opened and closed.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims now pending in the application, namely Claims 1-7 are in condition for allowance. Early and favorable consideration and allowance of Claims 1-7 is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining

matters, the Examiner is respectfully requested to phone applicants' attorney at the number indicated below.

Respectfully submitted,

DILWORTH & BARRESE

By:

A handwritten signature in cursive script, appearing to read "Paul J. Farrell", written over a horizontal line.

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